

Amend Subsection 360(b),  
Title 14, California Code of Regulations  
Re: Deer: X-Zone Hunts

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The proposed change would move the Zone X-7a season two weeks later, beginning the first Saturday in October. This change will provide consistency with other X zones having similar management and harvest strategies. Additionally, the proposed change will increase hunter opportunity by reducing conflicts with season openers in various B, C and D zones, and provide more desirable hunting conditions for hunters during cooler periods of weather, without resulting in a significant increase in harvest or conflict with meeting herd objectives.

## 2. Modify Season and Area Description for Zone X-7b

Existing regulations specify that the Zone X-7b season shall open the third Saturday in September and extend for 16 consecutive days. This season opener is inconsistent with season openers in zones X-1 through X-6b in northeastern California. Overlap in season opening dates also occurs between Zone X-7b and various B, C, and D zones, creating a conflict for tagholders. This condition unnecessarily restricts hunter opportunity for those tagholders possessing tags for both areas. In addition, typical weather conditions during this period of time are hot and dry and lead to hunter dissatisfaction and complaints of the season opening too early.

The proposed change would move the Zone X-7b season two weeks later, beginning the first Saturday in October. This change will provide consistency with other X zones having similar management and harvest strategies. Additionally, the proposed change will increase hunter opportunity by reducing conflicts with season openers in various B, C and D zones, and provide more desirable hunting conditions for hunters during cooler periods of weather, without resulting in a significant increase in harvest or conflict with meeting herd objectives.

Existing regulations provide for deer hunting in adjacent Zones X-7b and D-4. The area bounded by Blackwood Canyon, Lake Tahoe, McKinney Creek and the Pacific Crest Trail in the southern portion of Zone X-7b experiences little, if any, deer hunting pressure by Zone X-7b hunters. However, numerous Zone D-4 deer hunters that currently hunt in adjacent areas have voiced an interest in having this area added to Zone D-4.

The proposed change would modify the area description by removing the area bounded by Blackwood Canyon, Lake Tahoe, McKinney Creek, and the Pacific Crest Trail from Zone X-7b and annexing it to Zone D-4. Based on past hunter distribution, deer herd performance, and harvest patterns the proposed change is consistent with deer herd management planning for the individual zones and will meet a specific public demand

to provide additional opportunity and expanded access. For consistency in regulation the area description change for Zone D-4 is addressed in subsection 360(a).

3. Modify Area Description for Zone X-8

Existing regulations provide for deer hunting in adjacent Zones X-8 and D-5. Due to the geographic features and area descriptions between these two zones, boundary descriptions are ambiguous and lead to confusion on the part of both Zone X-8 and Zone D-5 deer hunters, unnecessarily placing them at risk of violating area boundaries.

The proposed change would modify the area descriptions between Zones X-8 and D-5 to make the boundary between the two zones more distinct and recognizable while in the field, thus eliminating confusion among deer hunters and reducing the potential for boundary violations. For consistency in regulation the area description change for Zone D-5 is addressed in subsection 360(a).

4. Number of Tags

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges as indicated in the following table:

Zone	Number of Tags	
	Current	Proposed
X-1	2,670	1,000-6,000
X-2	175	50-500
X-3a	335	150-1,500
X-3b	960	200-3,000
X-4	565	100-1,500
X-5a	130	50-300
X-5b	265	50-800
X-6a	400	100-1,200
X-6b	360	100-1,200
X-7a	260	50-600
X-7b	75	0-200
X-8	515	100-750
X-9a	950	100-1,200
X-9b	300	100-600
X-9c	850	100-1,000
X-10	400	200-600
X-12	895	100-1,200

These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

The proposal provides a range of tag numbers for each zone listed from which a final number will be determined, based on the post-winter status of each deer herd. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks in the population, while achieving or maintaining the buck ratios at or near objective levels set forth in the approved deer herd management plans.

Administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to the existing regulations prior to the time when final, post-season deer herd surveys are conducted in the affected zones.

During late spring (March/April), herd surveys are conducted to determine the proportion of fawns which have survived the winter. This information is necessary for estimating the approximate size of the herd and the predicted number of bucks available next season. The number of bucks and does needs to be estimated prior to the hunting season to

determine how many surplus bucks will exist over and above the number required to maintain the desired buck ratio objectives stated in the approved deer herd management plans.

The actual tag numbers for each affected zone will be reflected in the Final Statement and will be selected from the range of values provided by this proposal. These final values for the license tag numbers will be based upon findings from the annual herd composition counts.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 460, 3452, 3453, and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3452, 3453, and 4334, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2002 Draft Environmental Document Regarding Deer Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

In 2000, the Department held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the state. The meetings were open to the public, and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The dates and locations of these meetings were as follows:

July 24, 2000 - Chico  
July 25, 2000 - Modesto  
July 26, 2000 - Fresno  
July 27, 2000 - Bakersfield  
August 9, 2000 - Folsom  
August 10, 2000 - Truckee  
August 22, 2000 - Bishop  
August 23, 2000 - Long Beach  
August 24, 2000 - El Cajon  
September 12, 2000 - Santa Barbara  
September 28, 2000 - Salinas  
October 17, 2000 - Eureka  
October 18, 2000 - Red Bluff  
October 19, 2000 - Susanville  
October 20, 2000 - Redding  
October 23, 2000 - Alturas  
November 1, 2000 - Rohnert Park  
November 14, 2000 - Yreka  
November 16, 2000 - Merced  
November 21, 2000 - Arroyo Grande  
December 7, 2000 - Livermore  
December 11, 2000 - El Centro  
December 14, 2000 - Redlands

In addition, the Department conducted four public meetings in which regulation change concepts and specific proposals for mammals and furbearers, including deer were presented and discussed, and additional public comment was received. The dates and locations of these meetings were as follows:

November 7, 2001 in Fresno  
November 13, 2001 in San Diego  
November 29, 2001 in Monterey  
December 13, 2001 in Sacramento

#### IV. Description of Reasonable Alternatives to Regulatory Action:

##### (a) Alternatives to Regulation Change:

##### 1. Modify Season for Zone X-7a

Move the general season opener for Zone X-7a one week later, beginning the fourth Saturday in September. This alternative was rejected, since it would not be consistent with opening dates for other similarly managed X

zones, and conflicts with opening dates in other D zones would still exist, unnecessarily restricting hunter opportunity.

2. Modify Season and Area Description for Zone X-7b

Move the general season opener for Zone X-7b one week later, beginning the fourth Saturday in September. This alternative was rejected, since it would not be consistent with opening dates for other similarly managed X zones, and conflicts with opening dates in other D zones would still exist, unnecessarily restricting hunter opportunity.

There is no reasonable alternative to the boundary change proposal to modify the Zone X-7b area description.

3. Modify Area Description for Zone X-8

There is no reasonable alternative to the proposed action.

4. Number of Tags

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Modify Season for Zone X-7a

The no change alternative was considered and rejected because it would not achieve the objective of the proposed action. This proposal is intended to simplify regulations, increase consistency within similar deer hunting zones, and increase hunter opportunity and satisfaction.

2. Modify Season and Area Description for Zone X-7b

The no change alternative was considered and rejected because it would not achieve the objective of the proposed action. The season modification proposal is intended to simplify regulations, increase consistency within similar deer hunting zones, and increase hunter opportunity and satisfaction. The area boundary change will increase hunter opportunity and access for adjacent zone hunters in an area that Zone X-7b hunters have shown little interest in hunting.

3. Modify Area Description for Zone X-8

The no change alternative was considered and rejected because it would not achieve the objective of the proposed action. This proposal is intended to clarify regulations and reduce potential for area violations.

#### 4. Number of Tags

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the zones listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The no change alternative would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

#### (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

#### V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

#### VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

##### (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.



- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations provide for a 16 day season beginning the third Saturday in September in Zones X-7a and X-7b. This opening date overlaps numerous B, C and D zone opening dates, occurs during warmer weather which is less desirable to hunters, and is inconsistent with seasons in other similarly managed X zones (X-1 through X-6b). In an effort to increase opportunity for hunters, meet a public demand for later seasons, and provide for consistency in regulation the proposal moves the season opener for Zones X-7a and X-7b two weeks later.

Existing regulations provide for deer hunting in adjacent Zones X-7b and D-4. Zone D-4 hunters have expressed an interest in having the area between Blackwood Creek and McKinney Creek added to Zone D-4, since little hunting by Zone X-7b hunters occurs in the area. In an effort to meet a specific demand for increased opportunity and expanded hunting area access, the proposal removes this area from the Zone X-7b area description and incorporates it into the Zone D-4 area description.

Existing regulations provide area descriptions for adjacent Zones D-5 and X-8. Area descriptions on the shared boundary are ambiguous and difficult to discern while in the field. This condition can lead to confusion and possible violation of area boundaries. For consistency, the proposal modifies the area description for Zone D-5 and Zone X-8 by providing a more distinct boundary description which is more recognizable in the field.

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

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